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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/970,297	10/02/2001	Sean S. Chen	NSC-P05052	9656	
7590 06/02/2005			EXAMINER		
WAGNER, MURABITO & HAO LLP			CUNNINGHA	CUNNINGHAM, TERRY D	
Third Floor Two North Market Street			ART UNIT	PAPER NUMBER	
San Jose, CA 95113			2816		

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Examiner		Application No.	Amplicantia				
Examiner			Applicant(s)				
Terry D. Curningham 2816 Terry D. Curningham 2816 Poriod for Repty A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ② MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ③ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. If the MAILING DATE OF THIS COMMUNICATION. If the period for reply specified above is less than thirty (20) says, re reply within the statistory militorium of thirty (20) says will be considered timely. If the period for reply specified above is less than thirty (20) says, re reply within the statistory militorium of thirty (20) says will be considered timely. If the period for reply specified shows the maniform start the mailing date of this communication. Any reply received by the Office later than there months after the mailing date of this communication, even if timely filed, may reduce any seamed pattern time algustrant time algustrant. Sea 37 CFR 1,70(4). Status 1) ② Responsive to communication(s) filed on 02 May 2005. 2a) ② This action is FINAL. 2b) ☐ This action is non-final. 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the men'ts is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) ② Claim(s)	Office Action Summer:	09/970,297	CHEN, SEAN S.				
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1) Responsive to communication(s) filed on 20 May 2005. 2a) This action is FINAL. 2b) This action is non-final. 3	THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period was really to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing	36(a). In no event, however, may a reply be timed within the statutory minimum of thirty (30) days will apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONE	ely filed will be considered timely. the mailing date of this communication. (35 U.S.C. § 133).				
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DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-4, 6-8, 11-13, 15-21 and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 4, the new language therein is no understood. Firstly, it is not understood whether the "voltage pull-up device" is "located intermediate" to the "band- gap reference" or the "buffer circuit" or both. Further, there is no support for this new language. As is well known, a schematic discloses connection of elements, <u>not</u> location of elements. As seen, the schematic of Figs. 2 and 3 show the connection of the circuit elements, not locations thereof.

Examiner has fully considered Applicant's remarks for the above rejection and has not found them to be persuasive. While the rejection included a typographical error, this was not the emphasis of the rejection. The new language is clearly attempting to recite <u>location</u> of the elements, rather than circuit connection (due to the word "located"). As stated above, a schematic is intended to show connection of elements, <u>not</u> location. Examiner notes that if this language is attempting to recite circuit connections, then this language is clearly redundant. This is due to the fact that "intermediate" and "between" have effectively the same meaning.

Claims 2-4, 6-8, 11-13 and 15 are rejected for the reasons discussed above with claim 1.

Claims 15-21 and 23 are rejected for similar reasons as claims 1-4, 6-8, 11-13 and 15.

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4, 6-8, 11-13, 15-21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kadanka et al. (USPN 5,621,308) in view of newly cited art to Mietus (USPN 5,666,046). Kadanka et al. disclose, in Fig. 2, a circuit comprising: "a band-gap reference unit (73, less 54)", "a buffer circuit (54)"; and "a voltage pull-up device (70)", wherein the "voltage pull-up device" has a "transistors (48)". Kadanka et al. does not expressly disclose that transistor 46 has a "less than 1.0 V_{BE}". However, it is notoriously well known, as expressly taught by Mietus (e.g., see Col. 1, lines 56-67), to use a voltage of 0.7 volts for the expect advantage of using a lower supply voltage (e.g., 0.8 volts). Therefore, it would have been obvious for one skilled in the art to manufacture transistor 48 with "less than 1.0 V_{BE}" for the expected advantage allowing for a lower supply voltage.

Examiner has fully considered Applicant's remarks for the above rejection and has not found them to be persuasive. As provided for the record previously, the claim clearly meets the claim recitation. Element 73 clearly operates as a "band-gap reference unit", element 54 is clearly a "buffer" and element 70 is clearly a "voltage pull-up device". Further, with respect to Applicant's contention concerning the terms "intermediate" and "between". Clearly, element 70 has one terminal connected to the emitter of 52 of the "band-gap reference unit" and another

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terminal connected to the collector of the "buffer". This clearly would be considered "intermediate" or "between".

With respect to Applicant's arguments concerning motivation, Applicant is applying improper requirement for a rejection under 35 U.S.C. § 103. Clearly, of the secondary is not required to teach use of a "pull-up device". The secondary reference is used to teach setting of a threshold voltage is a generic transistor device, not a "pull-up device", per se. This is deemed to be more than sufficient suggestion in the reference.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Terry Cunningham whose telephone number is 571-272-1742. The examiner can normally be reached on Monday-Thursday from 7:30 to 6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Timothy P. Callahan can be reached on 571-272-1740. The fax phone number for

the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TC

June 1, 2005

Terry D. Cunningha

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